

Arlington Redevelopment Board
May 19, 2014 Minutes
Town Hall Annex, Second Floor Conference Room, Town Hall – 7:00pm

Approved: June 2, 2014

PRESENT: Mike Cayer, Chair, Andrew Bunnell, Bruce Fitzsimmons, Christine Scypinski

ABSENT: Andy West

STAFF: Carol Kowalski

Documents Used:

M. Bryne Memo, dated May 19, 2014

Matrix of Conditions, dated May 19, 2014

ConCom Letter on Marketing Trailer Site, dated May 16, 2014

The Chairman opened the meeting and introduced Jake Upton. The Board then considered the matrix of requests under the LDA and special permit that staff had prepared.

Mr. Upton updated the Board on Condo Sales at Arlington 360, stating there were three (3) purchase and sale agreements, two (2) of which have been approved by a lender.

Mr. Fitzsimmons asked what happens if there are fewer than nine condo (9) sales by June 11, 2014, when the required marketing period for the condos would end.

Mr. Upton stated that a couple of the sales are dependent on the certificate of occupancy.

Mr. Fitzsimmons asked for clarification on the Environmental Remediation Fund Agreement, and the statement that “no credit is due”.

Mr. Cayer stated that Town Counsel looked into it. He confirmed that funds are in an escrow account with Chicago Title.

Mr. Bunnell asked about the lighting issues affecting neighbors.

Mr. Upton stated that the lights were built to specifications. He stated that they felt those issues were resolved from shielding the lights on Symmes Road.

Ms. Scypinski asked about the BrightView lights.

Mr. Upton stated that shields have been ordered.

Ms. Scypinski stated that there were a lot of dead trees and dead plants and requested that there be a schedule put into place to replace them.

Mr. Upton stated that plant material is on order, and that Arlington 360 has an \$80,000 retainage on both landscapers.

Ms. Scypinski stated that the issue was mostly with the evergreens, and requested that this issue not stay unresolved for too long. Ms. Scypinski also asked if the ARB has retainage.

Ms. Kowalski and the Board confirmed that the special permit could be reopened in the future if warranted in regards to lighting or other concerns.

Mr. Upton stated that Beals and Thomas confirmed that the light photometrics conformed to design plans for both affidavits that were signed for the building. BrightView’s consultant has certified with affidavits that they were built to specifications. The cumulative impact may be greater than intended.

Rick Gallagher, the designated town representative for Neighborhood Protection Plan, said that the light can't extend beyond the property line. Arlington 360 had temporary certificates of occupancy before the BrightView lights went on. They put several temporary shields on.

Mr. Cayer summarized the completion process for the special permit and LDA. Each document specifies that the Board must confirm that the project is substantially complete for certificates of occupancy to be issued. Once the Board says it's complete, it moves into bylaw enforcement. Mr. Cayer continued to say that what he is looking for now is compliance with LDA and the special permit.

BethAnn Friedman of Hazel Terrace stated that NPP is part of those documents which says that lights won't spill into neighboring properties.

Mr. Gallagher confirmed that as long as shields prevent light spillover into neighboring properties, it would comply with NPP.

Mr. Cayer made the distinction between the ARB's items (LDA and special permits) and the Building Inspector's other affidavits.

Mr. Cayer stated that the LDA and special permits aren't the usual items the Building Inspector considers, the ARB would deal with those. The ARB couldn't or wouldn't certify building code.

Ms. Scypinski asked if Mike Byrne has landscape affidavits.

Mr. Upton stated that he will by the time of certificates of occupancy.

Mr. Cayer recommended holding back \$10,000 and releasing \$90,000 from the completion bond.

Mr. Cayer asked Mr. Gallagher about project compliance in regards to NPP. Mr. Gallagher responded that Arlington 360 was in compliance, but BrightView has some items to work on.

Mr. Cayer stated that the ARB received letters from the Conservation Commission and Arlington Land Trust, supporting the Board's determination that certain LDA and special permit conditions had been met. Mr. Fitzsimmons moved with respect to the Land Disposition Agreement, Conservation Agreement, Special Permit and Side Letter Agreement requirements pertaining to Arlington 360's redevelopment of the former Symmes Hospital site, that the ARB issue a Certificate of Substantial Completion with the following provisions: (a) the marketing of the condominium units shall continue through June 11, 2014, and (b) the sum of \$10,000.00 shall continue to be held in escrow to cover the cost of completing Special Permit condition 5(b) and other possible matters that may need further attention, but the balance of the completion escrow shall be released to Arlington 360.

Ms. Scypinski seconded. All voted in favor.

Mr. Fitzsimmons moved that the Chair of the Arlington Redevelopment Board be authorized to sign or initial the memorandum to the Zoning Enforcement Officer (commonly referred to as the Building Inspector) confirming the subject matter of the First Motion.

Mr. Bunnell seconded. All voted in favor.

The Board then turned to the March 12, 2014 minutes.

Mr. Fitzsimmons asked for the documents used to be provided.

Mr. Fitzsimmons moved to approve the minutes. Mr. Bunnell seconded. All voted in favor.

Ms. Scypinski moved to adjourn. Mr. Bunnell seconded. All voted in favor. The meeting was adjourned at 7:57pm.